

## **Remarks and Arguments**

### **Allowable Subject Matter**

Claims 19-20 and 22-25 were found allowable if rewritten in independent form and amended to overcome the §112 rejections.

Applicant submits new independent claim 29, based on allowable claim 19, but without the specific number for the first torque and other minor working changes. New claims 30-35 depend on claim 29, and are substantially the same as original claims 20-25. By these amendments, and removal of the objected to language under §112, Applicant believes the allowable subject matter has been placed in an independent claim set (claims 29-35 which are in condition for allowance).

### **Pending Claims**

Prior to this amendment, claims 1-25 were pending. Applicant has canceled claims 5 and 11. Claims 6, 9-10, 20-22 and 25 are unamended. The remaining original claims are amended. Applicant has added new dependent claims 26-28, which include part of the subject matter deleted from prior claims 7, 12 and 18. Applicant has added new claims 29-35 in order to place the allowable subject matter of original claims 19, 20 and 22-25 in independent form. The pending claims after this amendment are claims 1-4, 6-10, 12-35.

### **Objection to the Claims**

Applicant has amended the claims to include line indentations for the separate elements and/or steps.

### **Rejections Based on 35 U.S.C. §112, second paragraph**

Applicant has amended the claims responsive to the particular objections made by the Examiner under §112. The amended claims are believed to overcome the stated rejections.

### Rejections Based on Prior Art

Claims 1-3, 5 and 11-18 were rejected under 35 U.S.C. §102(e) as being anticipated by Gittleman U.S. Patent 6,508,650.

Claims 1-6, 8-18 and 21 were rejected under 35 U.S.C. §102(e) as being anticipated by Porter U.S. Patent 6,758,672.

Claims 1-4, 8, 11-12 and 15-18 were rejected under 35 U.S.C. §102(b) as being anticipated by Behrend U.S. Patent 5,947,736.

Claim 7 was rejected under 35 USC §103(a) as being unpatentable over Behrend U.S. Patent 5,947,736.

In response to the above rejections over the prior art, Applicant has amended the claims and responds as follows.

Amended claim 1 is a combination of original claims 1 and 5. The claim recites an extension piece which has, between a reference form and a threaded stem, a non-cylindrical outer contour with screw-in surfaces by which the extension piece can be screwed into the dental implant with a tool engaging on the screw-in surfaces. An embodiment of the claimed subject matter is shown in Figs. 2a and 2b and described on page 18. In the disclosed embodiment, the extension piece 2 includes a head part 20 and a threaded stem 29 at one end of the head part 20. The head part 20 has several screw-in surfaces 21 arranged in a polygonal formation. The extension piece 2 can be screwed into an implant (see Fig. 1) by use of a suitable tool which engages the screw-in surfaces 21.

None of the cited references teaches this claimed configuration.

Porter discloses a dental implant 10 in which an extension piece 80 can be screwed in. The extension piece includes a threaded zone and a head part. In an assembled state, the head part is the only element which protrudes over the dental implant.

Porter neither discloses nor suggests an extension piece with a non-cylindrical outer contour which comprises screw-in surfaces by which the extension piece can be screwed into the dental implant.

Gittelman discloses a dental implant 80 and an alignment transfer post 65. The alignment transfer post is not intended to be screwed in the dental implant. In fact, it is not possible since the alignment transfer post comprises a tapered section with hexagonal projections. The tapered section comprises further tapered surfaces 58 which match a tapered recess in an impression cap. The tapered surfaces are inclined with respect to the axial direction and are therefore not suited as screw-in surfaces which engage with a corresponding screw-in tool.

Thus, Gittelman neither teaches nor suggests an extension piece which has a non-cylindrical outer contour with screw-in surfaces by which the extension piece can be screwed into the dental implant.

Behrend discloses an occlusal registration coping and a corresponding base member 11. The base member has at one end a central screw 13, a rim 14 and opposite to the central screw a square projection 15 with aligned groove 16. In the end of the square projection a hexagonal socket 17 is provided to accommodate a standard screwdriver. The base member can thus be screwed in or removed from the implant via the socket 17. Thus Behrend teaches the opposite of the present invention, namely an inner contour (socket) on the base member as a surface by which the base member can be screwed into a dental implant. The outer surface of Behrend's square projection is not designed nor suited to form a screw-in surface since the deformation of such surfaces (during a hypothetical screw-in procedure) would destroy the base member.

Thus, Behrend has no outer screw-in surfaces by which the base member can be screwed into a dental implant.

Since none of the cited documents teach or suggest the features of claim 1, a combination of such documents would not render the present claimed invention obvious. Applicant's dependent claims add further patentable features to the patentable combination of claim 1.

### **RECONSIDERATION**

It is believed that all claims of the present application are now in condition for allowance.

Reconsideration of this application is respectfully requested. If the Examiner believes that a teleconference would expedite prosecution of the present application the Examiner is invited to call the Applicant's undersigned attorney at the Examiner's earliest convenience.

Any amendments or cancellation or submissions with respect to the claims herein is made without prejudice and is not an admission that said canceled or amended or otherwise affected subject matter is not patentable. Applicant reserves the right to pursue canceled or amended subject matter in one or more continuation, divisional or continuation-in-part applications.

To the extent that Applicant has not addressed one or more assertions of the Examiner because the foregoing response is sufficient, this is not an admission by Applicant as to the accuracy of such assertions.

Please grant any extensions of time required to enter this response and charge any fees in addition to fees submitted herewith that may be required to enter/allow this response and any accompanying papers to our deposit account 02-3038 and credit any overpayments thereto.

Respectfully submitted,

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